

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

KIMBERLY KNIGHT, an individual and  
TIMOTHY LUPTON, an individual,

Plaintiffs,

v.

NICK ROCK, an individual,

Defendant.

**Case No.: 2:14-cv-01256-APG-CWH**

**DEFAULT JUDGMENT AND**  
**PERMANENT INJUNCTION**  
**AGAINST NICK ROCK**

This matter comes before the Court on the Plaintiffs' motion for default judgment and permanent injunction against Defendant Nick Rock. Considering all of the papers and pleadings on file, and for good cause appearing, the Court finds and concludes as follows:

1. On August 6, 2014, plaintiffs Kimberly Knight and Timothy Lupton ("Plaintiffs") filed their Amended Complaint against Nick Rock ("Defendant") (Dkt. No. 6) for copyright infringement resulting from the illegal copying and distribution of the fifty-five (55) works identified in Paragraph 9 of the Amended Complaint and set out below (collectively, "Registered Videos"):

**Registration No.**

**Video**

PA0001793518

addisonbimboHC\_w.wmv

PA0001790407

cambyr-bugbimboBE\_w.mp4

PA0001786105

alison-strokerBE\_w.mp4

PA0001786105

bridgetASSBE\_w.wmv

PA0001783469

daphneplaidBE\_w.wmv

1	PA0001785019	holly-bigboobniteBE_w.mp4
2	PA0001783633	honey-divaringBE_w.mp4
3	PA0001786239	joselynpinkBE_w.wmv
4	PA0001793518	All She Has Ever Wanted.mp4
5	PA0001787866	Anna's Busting Expansion.wmv
6	PA0001786105	Basement Bimbo.mp4
7	PA0001783468	Bella Likes Breast Expansion.wmv
8	PA0001786132	BIG and Heading to The Boardwalk.wmv
9	PA0001787580	Big Boob Baby Shower.wmv
10	PA0001774679	Big Boobie Night Nyomi Bank.wmv
11	PA0001786239	Big Boobie Night Sara Jay.avi
12	PA0001787580	Blond Brunettes - Sheila.wmv
13	PA0001787580	Blond Brunettes - Zoey.wmv
14	PA0001779018	Bustin Loose.wmv
15	PA0001786239	Cherry Poppins.wmv
16	PA0001785982	Coveting Inflatables.wmv
17	PA0001786105	Crystal Ashley's Overeating WG BE.wmv
18	PA0001786105	Crystal White's New Years BE.wmv
19	PA0001783438	Daphne is Loving Expansion.wmv
20	PA0001783566	Daphne Rosen, Mind Control & Boobs E
21	PA0001779011	Double BE Spells.wmv
22	PA0001785889	Dream Big 2.wmv
23	PA0001779012	Even Young Girls Get The Boobs.wmv
24	PA0001779012	Faucet Addict.wmv
25	PA0001786132	harleyBE_w.wmv
26	PA0001786132	Holly Anna's Playtime Thrills.wmv
27	PA0001779014	Holly's Breast & Belly Inflation.wmv
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1	PA0001785898	Hooters Daydream.wmv
2	PA0001779013	I think I'm Allergic To That Soap.wmv
3	PA0001785962	I'll Have What She Was Having.wmv
4	PA0001785960	Jenna Sees The Light.wmv
5	PAu003686452	Jessie's Expansive Journey.mp4
6	PA0001786239	Lilith BE Terror.wmv
7	PA0001786239	Luscious Cherry.wmv
8	PA0001786239	Mondo Hypno Breast Expansion.wmv
9	PA0001783633	Office Tension.wmv
10	PA0001786239	rubyBE_w.wmv
11	PA0001787580	Star's Growth Envy Part 2.wmv
12	PA0001785889	The Good The Bad & The Busty.wmv
13	PA0001785019	The Realities Of Breast Expansion.wmv
14	PA0001785856	The Very Special Present.wmv
15	PA0001787580	Tiffany Mynx Balloon Burst BE.wmv
16	PA0001786132	Tory Lane Breast Expansion.wmv
17	PA0001786239	Veronica Rayne's Breast Expansion Desires.wmv
18	PA0001787580	Veronica's New Figure.wmv
19	PA0001785960	Jenna's Amazing Ass Expansion.wmv
20	PA0001785960	Jenna's Belly Inflation.wmv
21	PA0001803590	Sybil's Big Belly Revenge.mp4
22	PA0001786105	Basement Bimbo.mp4
23	PA0001783566	Daphne Rosen, Mind Control & BoobsExpanding.wmv

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2. Service of the Summons and Amended Complaint were effected on Defendant on August 17, 2014 (Dkt. No. 7). Proof of service was filed with the Court on September 17, 2014

1 (Id.). Plaintiffs filed a motion for entry of default on September 22, 2014 (Dkt. No. 8). Thereafter  
2 the Clerk of Court entered a default against Defendant on September 23, 2014 (Dkt. No. 9).

3 3. This Court has jurisdiction over the parties and venue is proper.

4 4. To prevail on a copyright infringement claim, a plaintiff must establish (1)  
5 ownership of a valid copyright and (2) copying of constituent elements of the work that are  
6 original. Feist Publications, Inc. v. Rural Tel. Serv. Co., 499 US 340 (1991).

7 5. Once a default is entered against a party, all allegations other than damages are  
8 presumed to be true. Geddes v. United Financial Group, 559 F.2d 557, 560 (9th Cir. 1977).  
9 Plaintiffs' Amended Complaint, the allegations of which must be taken as true, establishes both  
10 of these elements.

11 6. Plaintiffs have valid and enforceable rights in the Registered Videos, which have  
12 been registered with the United States Copyright Office.

13 7. Defendant infringed Plaintiffs' Registered Videos by copying and distributing the  
14 Registered Videos. Defendant's conduct was in disregard of, and with indifference to, Plaintiffs'  
15 rights in the Registered Videos. Defendant committed copyright infringement with the clear intent  
16 of distributing Plaintiffs' registered videos and economically harming Plaintiffs.

17 8. Defendant's conduct was willful in that it caused a deliberate and intentional injury  
18 to Plaintiffs. In addition, Defendant's conduct was malicious as it was a wrongful act, done  
19 intentionally, which necessarily caused injury, and was done without just cause or excuse.

20 9. 17 U.S.C. § 502(a) authorizes an injunction to "prevent or restrain infringement of  
21 a copyright." Defendant by default has admitted to the willful conduct in this case, has been found  
22 liable for infringement in the instant action, and likely possess the means to continue infringement  
23 in the future, meeting the Court's requirements for issuing such an injunction.

24 10. 17 U.S.C. § 503(b) authorizes the "destruction or other reasonable disposition" of  
25 all copies made or used in violation of the copyright owner's exclusive rights.

26 11. In copyright infringement cases a plaintiff may elect either actual or statutory  
27 damages. 17 U.S.C. § 504(a). "[S]tatutory damages are recoverable without regard to the  
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1 existence or provability of actual damages.” New Form, Inc. v. Tekila Films, Inc., 357 Fed. Appx.  
2 10, 11 (9th Cir. 2009), cert. den. 130 S. Ct. 2405 (2010); Columbia Pictures Television, Inc. v.  
3 Krypton Broad of Birmingham, Inc., 259 F.3d 1186, 1194 (9th Cir. 2001). The Copyright Act  
4 provides for statutory damages in a sum of not less than \$750 or more than \$30,000 per work  
5 infringed, but provides for increase of the award to \$150,000 in cases of willful infringement. The  
6 admitted facts of this case dictate that Defendant willfully infringed Plaintiffs’ registered  
7 copyrights, warranting at least the minimum \$750 for each of the fifty-five (55) Registered Videos  
8 infringed for a total award of statutory damages of \$41,250.

9 **WHEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED** as  
10 follows:

11 Plaintiffs’ Motion for Default Judgment and Permanent Injunction is GRANTED and  
12 judgment is awarded in favor of PLAINTIFFS and against Defendant as follows:

13 A. Plaintiffs are awarded statutory damages in the amount of \$41,250.

14 B. Defendant is PERMANENTLY ENJOINED from directly, indirectly or  
15 contributorily infringing Plaintiffs’ rights in the Registered Videos, including without limitation  
16 by using the Internet to reproduce or copy Plaintiffs’ Registered Videos, to distribute Plaintiffs’  
17 Registered Videos, or to make Plaintiffs’ Registered Videos available for distribution to the  
18 public, except pursuant to lawful written license or with the express authority of Plaintiffs.

19 C. To the extent that any such material exists, Defendant is directed to destroy all  
20 unauthorized copies of Plaintiffs’ Registered Videos in his possession or subject to his control.

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22 \_\_\_\_\_  
UNITED STATES DISTRICT JUDGE

23 DATED: 1/26/15  
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